IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

UNILOC USA, INC. and UNILOC LUXEMBOURG, S.A., Plaintiffs,	§	Civil Action No. 2:16-cv-993
v.	§	PATENT CASE
ZTE (USA), INC. and ZTE (TX), INC., Defendants.	§	JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together "Uniloc"), as and for their complaint against defendants, ZTE (USA), Inc. and ZTE (TX), Inc. (together "ZTE"), allege as follows:

THE PARTIES

1. Uniloc USA, Inc. ("Uniloc USA") is a Texas corporation having a principal place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano Texas 75024. Uniloc also maintains a place of business at 102 N. College, Suite 603, Tyler, Texas 75702.

2. Uniloc Luxembourg S.A. ("Uniloc Luxembourg") is a Luxembourg public limited liability company having a principal place of business at 15, Rue Edward Steichen, 4th Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Uniloc Luxembourg owns a number of patents in the field of text/voice instant messaging.

4. Upon information and belief, ZTE (USA), Inc. is a New Jersey corporation having a principal place of business at 2425 North Central Expressway, Suite 600, Richardson, Texas 75080 and does business in Texas and in the judicial Eastern District of Texas. ZTE (USA), Inc. may be served with process through its registered agent for service of process in Texas: Jing Li, 2425 North Central Expressway, Suite 323, Richardson, Texas 75080.

5. Upon information and belief, ZTE (TX), Inc. is a Texas corporation having a principal place of business at 2500 Dallas Parkway, Plano, Texas 75093 and does business in Texas and in the judicial Eastern District of Texas. ZTE (TX), Inc. may be served with process through its registered agent for service of process in Texas: Ferguson, Braswell & Fraser, PC, 2500 Dallas Parkway, Suite 501, Plano, Texas 75093.

JURISDICTION AND VENUE

6. Uniloc brings this action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a) and 1367.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, ZTE is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, and/or has purposely transacted business involving the accused products in this judicial district, including sales of the accused devices to one or more customers in Texas.

8. ZTE (USA), Inc. and ZTE (TX), Inc. are subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to their substantial business in this State and judicial district, including: (A) at least part of their past infringing activities, (B) regularly doing or soliciting business in Richardson and Plano, Texas,

respectively, and/or (C) engaging in persistent conduct and/or deriving substantial revenue from goods, including the accused devices, and services provided to customers in Texas.

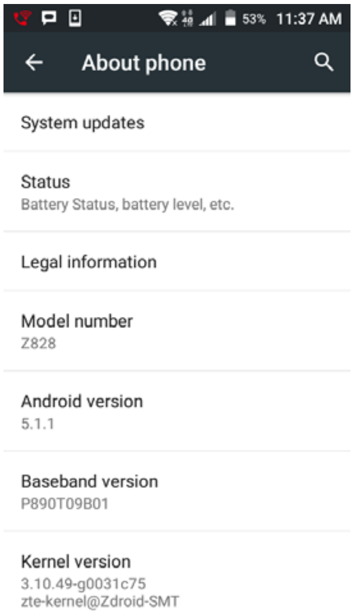
COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 8,724,622)

9. Uniloc incorporates paragraphs 1-8 above by reference.

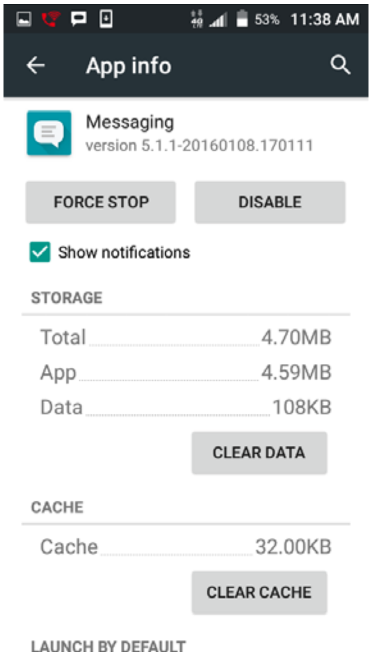
10. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,724,622 ("the '622 Patent"), entitled SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING that issued on May 13, 2014. A true and correct copy of the '622 Patent is attached as Exhibit A hereto.

11. Uniloc USA is the exclusive licensee of the '622 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

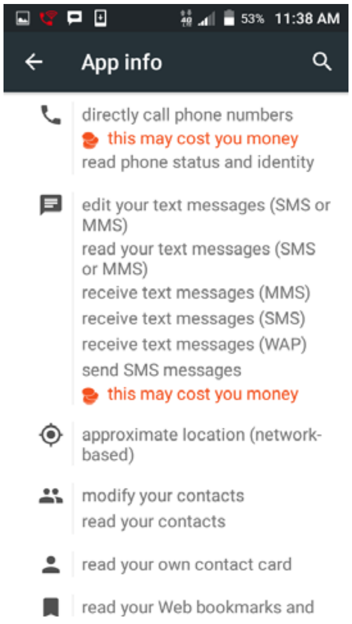
12. Upon information and belief, the following identifies an exemplary ZTE Android smartphone having instant voice messaging and/or instant video with audio messaging ("IVM") capability in a packet-switched network:


53% 11:37 AM
About phone
System updates
Status
Battery Status, battery level, etc.
Legal information
Model number
Z828
Android version
5.1.1
Baseband version
P890T09B01
Kernel version
3.10.49-g0031c75
zte-kernel@Zdroid-SMT

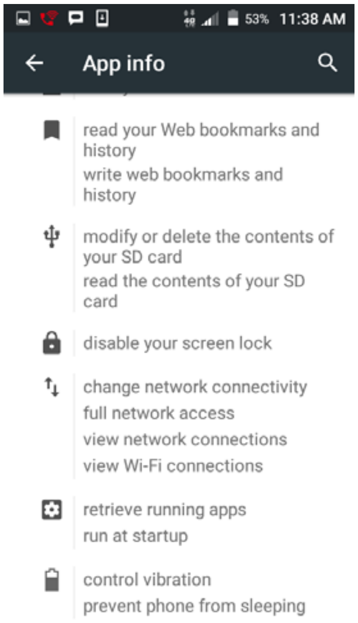
13. Upon information and belief, the following illustrates, at least in part, an App info screen of the ZTE Android IVM smartphone:


53% 11:38 AM
App info
Messaging
version 5.1.1-20160108.170111
FORCE STOP
DISABLE
Show notifications
STORAGE
Total 4.70MB
App 4.59MB
Data 108KB
CLEAR DATA
CACHE
Cache 32.00KB
CLEAR CACHE
LAUNCH BY DEFAULT

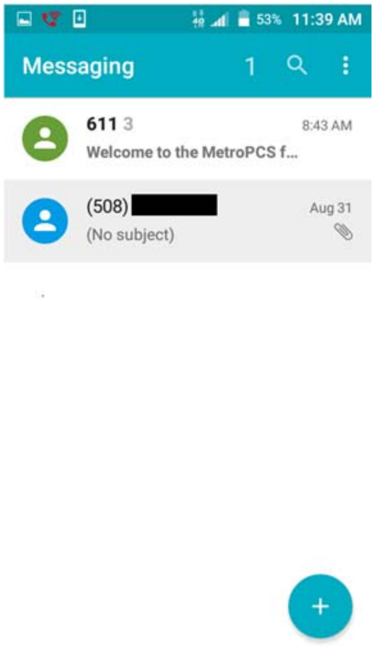
14. Upon information and belief, the following describes, at least in part, an App info screen of the ZTE Android IVM smartphone:


53% 11:38 AM
App info
directly call phone numbers
this may cost you money
read phone status and identity
edit your text messages (SMS or MMS)
read your text messages (SMS or MMS)
receive text messages (MMS)
receive text messages (SMS)
receive text messages (WAP)
send SMS messages
this may cost you money
approximate location (network-based)
modify your contacts
read your contacts
read your own contact card
read your Web bookmarks and

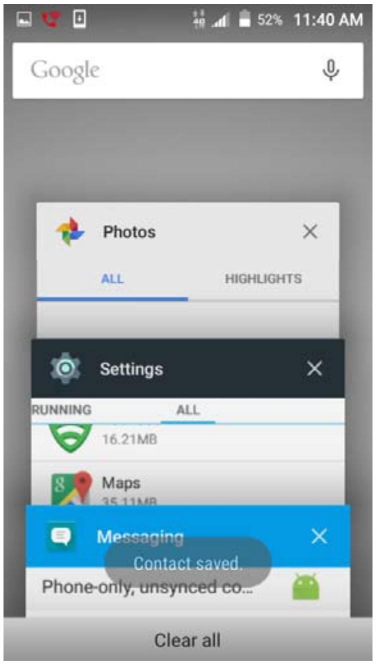
15. Upon information and belief, the following illustrates, at least in part, an App info screen of the ZTE Android IVM smartphone:


53% 11:38 AM
App info
read your Web bookmarks and history
write web bookmarks and history
modify or delete the contents of your SD card
read the contents of your SD card
disable your screen lock
change network connectivity
full network access
view network connections
view Wi-Fi connections
retrieve running apps
run at startup
control vibration
prevent phone from sleeping

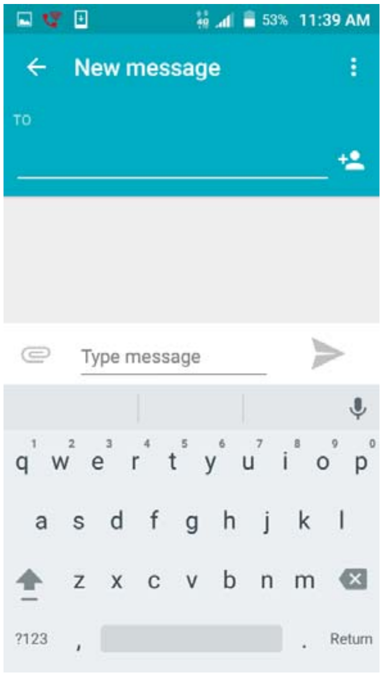
16. Upon information and belief, the following illustrates, at least in part, a Messaging screen of the ZTE Android IVM smartphone


53% 11:39 AM
Messaging
1
611 3
8:43 AM
Welcome to the MetroPCS f...
(508) [redacted]
Aug 31
(No subject)
+

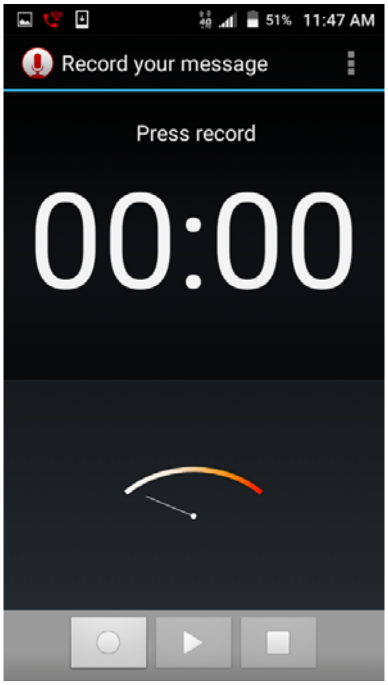
17. Upon information and belief, the following illustrates, at least in part, a New message screen of the ZTE Android IVM smartphone:


52% 11:40 AM
Google
Photos
ALL
HIGHLIGHTS
Settings
RUNNING
ALL
16.21MB
Maps
Messaging
Contact saved.
Phone-only, unsynced co...
Clear all

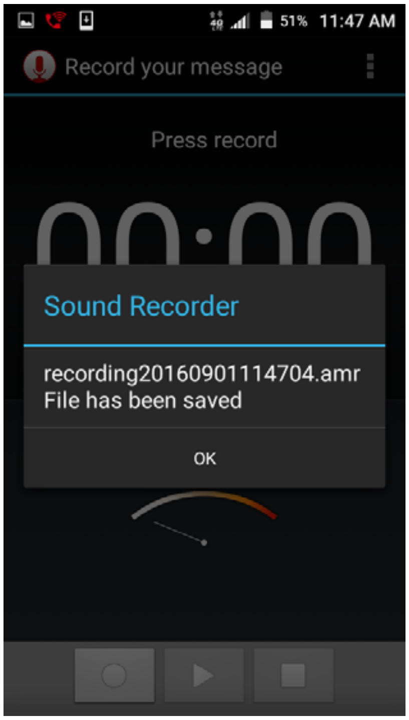
18. Upon information and belief, the following illustrates, at least in part, a screen of the ZTE Android IVM smartphone:


53% 11:39 AM
New message
TO
Type message
q w e r t y u i o p
a s d f g h j k l
z x c v b n m
?123
Return

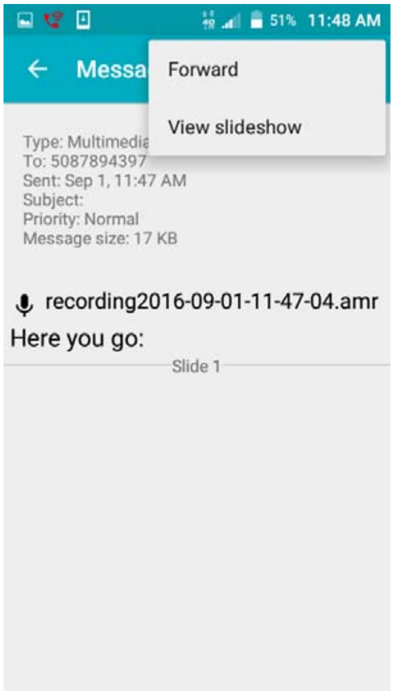
19. Upon information and belief, the following illustrates, at least in part, a Record your message screen of the ZTE Android IVM smartphone:


51% 11:47 AM
Record your message
Press record
00:00

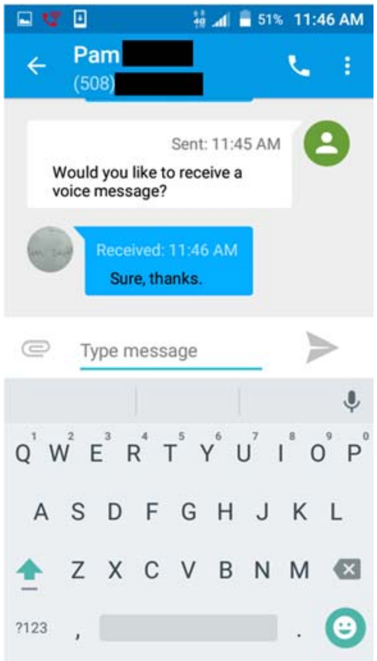
20. Upon information and belief, the following illustrates, at least in part, a Sound Recorder message screen of the ZTE Android IVM smartphone:


51% 11:47 AM
Record your message
Press record
Sound Recorder
recording20160901114704.amr
File has been saved
OK

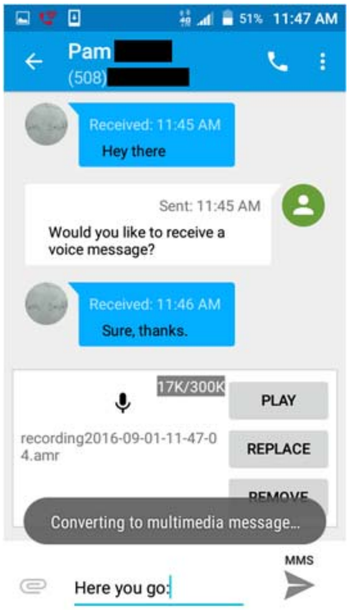
21. Upon information and belief, the following illustrates, at least in part, a message forwarding notice screen of the ZTE Android IVM smartphone:


51% 11:48 AM
Messa
Forward
View slideshow
Type: Multimedia
To: 5087894397
Sent: Sep 1, 11:47 AM
Subject:
Priority: Normal
Message size: 17 KB
recording2016-09-01-11-47-04.amr
Here you go:
Slide 1

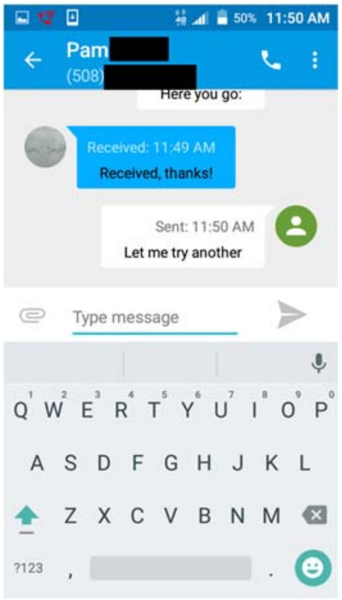
22. Upon information and belief, the following illustrates, at least in part, a message screen of the ZTE Android IVM smartphone:


51% 11:46 AM
Pam [redacted]
(508)[redacted]
Sent: 11:45 AM
Would you like to receive a voice message?
Received: 11:46 AM
Sure, thanks.
Type message
Q W E R T Y U I O P
A S D F G H J K L
Z X C V B N M
?123

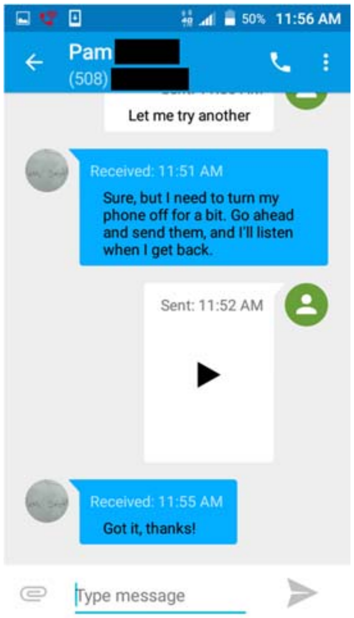
23. Upon information and belief, the following illustrates, at least in part, a message screen of the ZTE Android IVM smartphone:


51% 11:47 AM
Pam [redacted]
(508) [redacted]
Received: 11:45 AM
Hey there
Sent: 11:45 AM
Would you like to receive a voice message?
Received: 11:46 AM
Sure, thanks.
17K/300K
PLAY
recording2016-09-01-11-47-04.amr
REPLACE
REMOVE
Converting to multimedia message...
MMS
Here you go:

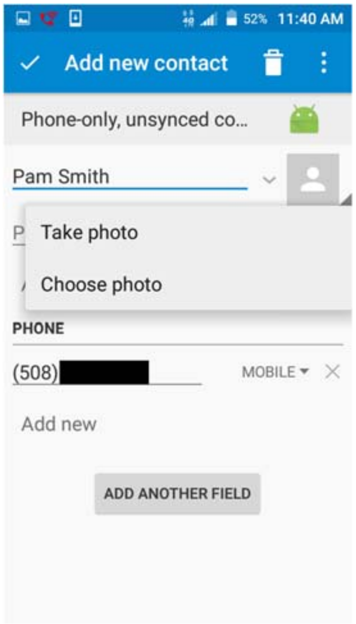
24. Upon information and belief, the following illustrates, at least in part, a message screen of the ZTE Android IVM smartphone:


50% 11:50 AM
Pam [redacted]
(508) [redacted]
Here you go:
Received: 11:49 AM
Received, thanks!
Sent: 11:50 AM
Let me try another
Type message
Q W E R T Y U I O P
A S D F G H J K L
Z X C V B N M
?123

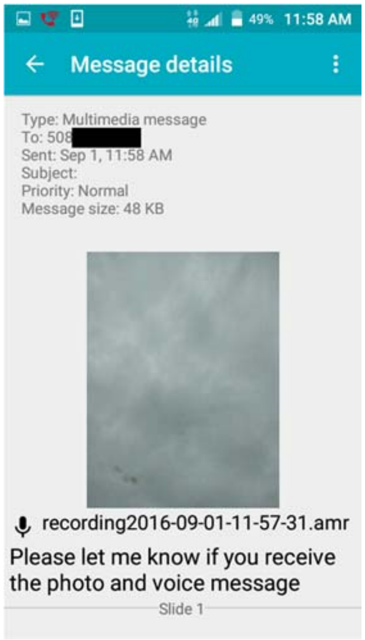
25. Upon information and belief, the following illustrates, at least in part, a message screen of the ZTE Android IVM smartphone:


50% 11:56 AM
Pam [redacted]
(508) [redacted]
Let me try another
Received: 11:51 AM
Sure, but I need to turn my phone off for a bit. Go ahead and send them, and I'll listen when I get back.
Sent: 11:52 AM
Received: 11:55 AM
Got it, thanks!
Type message

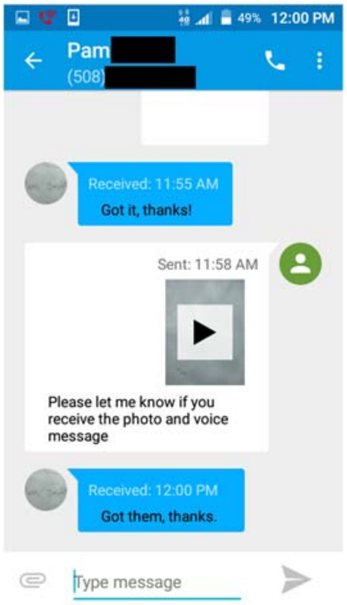
26. Upon information and belief, the following illustrates, at least in part, an Add new contact screen of the ZTE Android IVM smartphone:


52% 11:40 AM
Add new contact
Phone-only, unsynced co...
Pam Smith
Take photo
Choose photo
PHONE
(508) [redacted]
MOBILE
Add new
ADD ANOTHER FIELD

27. Upon information and belief, the following describes, at least in part, a Message details screen of the ZTE Android IVM smartphone:


49% 11:58 AM
Message details
Type: Multimedia message
To: 508[redacted]
Sent: Sep 1, 11:58 AM
Subject:
Priority: Normal
Message size: 48 KB
recording2016-09-01-11-57-31.amr
Please let me know if you receive the photo and voice message
Slide 1

28. Upon information and belief, the following describes, at least in part, a message screen of the ZTE Android IVM smartphone:


49% 12:00 PM
Pam[redacted]
(508)[redacted]
Received: 11:55 AM
Got it, thanks!
Sent: 11:58 AM
Please let me know if you receive the photo and voice message
Received: 12:00 PM
Got them, thanks.
Type message

29. ZTE has directly infringed, and continues to directly infringe one or more claims of the ’622 Patent in this judicial district and elsewhere in Texas, including at least claims 3, 4, 6-8, 10-19, 21, 23-35, and 38 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling numerous versions of the ZTE Android

IVM smartphones (together "ZTE Android IVM smartphones") during the pendency of the '622 Patent which devices and associated servers perform instant voice messaging over Wi-Fi and the Internet between persons using cellphones and/or other devices capable of instant voice messaging; wherein digitized audio files are transmitted between a plurality of recipients on a packet switched network and a list of one or more currently potential recipients is displayed on the device. Upon information and belief, the additional Android devices identified in Exhibit E also provide such functionality and, thereby, infringe as set forth in this Count.

30. In addition, should the ZTE Android IVM smartphones be found to not literally infringe the asserted claims of the '622 Patent, the ZTE Android IVM smartphones would nevertheless infringe the asserted claims of the '622 Patent. More specifically, the accused smartphones perform substantially the same function (instant voice messaging), in substantially the same way (via a digitized audio files in a client/server environment), to yield substantially the same result (delivering voice messages to available intended recipients). ZTE would thus be liable for direct infringement under the doctrine of equivalents.

31. ZTE has indirectly infringed and continues to indirectly infringe at least claims 3, 4, 6-8, 10-19, 21, 23-35, and 38 of the '622 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the ZTE Android IVM smartphones. ZTE's customers who purchase the ZTE Android IVM smartphones and operate such devices in accordance with ZTE's instructions directly infringe one or more of the foregoing claims of the '622 Patent in violation of 35 U.S.C. § 271. ZTE directly and/or indirectly instructs its customers through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

www.zteusa.com

www.ztedevice.com/support

www.youtube.com

ZTE is thereby liable for infringement of the ’622 Patent under 35 U.S.C. § 271(b).

32. ZTE has indirectly infringed and continues to indirectly infringe at least claims 3, 4, 6-8, 10-19, 21, 23-35, and 38 of the ’622 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the ZTE Android IVM smartphones, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the ’622 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

33. For example, the ZTE Android IVM smartphones are components of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the ZTE Android IVM smartphones are material parts of the claimed inventions and upon information and belief are not a staple article or commodity of commerce suitable for substantial non-infringing use. ZTE is, therefore, liable for infringement under 35 U.S.C. § 271(c).

34. ZTE will have been on notice of the ’622 Patent since, at the latest, the service of this complaint upon ZTE. By the time of trial, ZTE will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 3, 4, 6-8, 10-19, 21, 23-35, and 38 of the ’622 Patent.

35. ZTE may have infringed the ’622 Patent through other devices utilizing the same or reasonably similar functionality, including other versions of the ZTE Android IVM smartphones. Uniloc reserves the right to discover and pursue all such additional infringing software/devices.

36. Uniloc has been damaged, reparably and irreparably, by ZTE’s infringement of the ’622 Patent and such damage will continue unless and until ZTE is enjoined.

COUNT II
(INFRINGEMENT OF U.S. PATENT NO. 8,995,433)

37. Uniloc incorporates paragraphs 1-36 above by reference.

38. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,995,433 (“the ’433 Patent”), entitled SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING that issued on March 31, 2015. A true and correct copy of the ’433 Patent is attached as Exhibit B hereto.

39. Uniloc USA is the exclusive licensee of the ’433 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

40. ZTE has directly infringed, and continues to directly infringe one or more claims of the ’433 Patent in this judicial district and elsewhere in Texas, including at least claims 1-5, 8-9, 11-12, 14-17, 25 and 26 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the ZTE Android IVM smartphones during the pendency of the ’433 Patent which devices and associated servers perform instant voice messaging over Wi-Fi and the Internet between persons using cellphones and/or other devices capable of instant voice messaging; wherein a list of one or more potential recipients is displayed on the device, the instant messages are temporarily stored using a unique identifier,

and a file manager stores, retrieves and/or deletes the messages in response to the users request. Upon information and belief, the additional Android devices identified in Exhibit E also provide such functionality and, thereby, infringe as set forth in this Count.

41. In addition, should the ZTE Android IVM smartphones be found to not literally infringe the asserted claims of the ’433 Patent, the ZTE Android IVM smartphones would nevertheless infringe the asserted claims of the ’433 Patent. More specifically, the accused ZTE Android IVM smartphones perform substantially the same function (instant voice messaging), in substantially the same way (identifying potentially available recipients, storing messages using unique identifiers and a file manager for storing, retrieving and/or deleting the messages), to yield substantially the same result (delivering voice messages to available intended recipients and wherein the messages may be stored, retrieved and/or deleted). ZTE would thus be liable for direct infringement under the doctrine of equivalents.

42. ZTE has indirectly infringed and continues to indirectly infringe at least claims 1-5, 8-9, 11-12, 14-17, 25 and 26 of the ‘433 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the ZTE Android IVM smartphones. ZTE’s customers who purchase the ZTE Android IVM smartphones and operate the devices in accordance with ZTE’s instructions directly infringe one or more of the foregoing claims of the ’433 Patent in violation of 35 U.S.C. § 271. ZTE directly and/or indirectly instructs its customers through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

www.zteusa.com

www.ztedevice.com/support

www.youtube.com

ZTE is thereby liable for infringement of the ‘433 Patent under 35 U.S.C. § 271(b).

43. ZTE has indirectly infringed and continues to indirectly infringe at least claims 1-5, 8-9, 11-12, 14-17, 25 and 26 of the ‘433 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the ZTE Android IVM smartphones, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the ’433 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

44. For example, the ZTE Android IVM smartphones are components of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the ZTE Android IVM smartphones are material parts of the claimed inventions and upon information and belief are not a staple article or commodity of commerce suitable for substantial non-infringing use. ZTE is, therefore, liable for infringement under 35 U.S.C. § 271(c).

45. ZTE will have been on notice of the ‘433 Patent since, at the latest, the service of this complaint upon ZTE. By the time of trial, ZTE will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1-5, 8-9, 11-12, 14-17, 25 and 26 of the ‘433 Patent.

46. ZTE may have infringed the ’433 Patent through other devices utilizing the same or reasonably similar functionality, including other versions of the ZTE Android IVM

smartphones. Uniloc reserves the right to discover and pursue all such additional infringing software/devices.

47. Uniloc has been damaged, reparably and irreparably, by ZTE's infringement of the '433 Patent and such damage will continue unless and until ZTE is enjoined.

COUNT III
(INFRINGEMENT OF U.S. PATENT NO. 7,535,890)

48. Uniloc incorporates paragraphs 1-47 above by reference.

49. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,535,890 ("the '890 Patent"), entitled SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING that issued on May 19, 2009. A true and correct copy of the '890 Patent is attached as Exhibit C hereto.

50. Uniloc USA is the exclusive licensee of the '890 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

51. ZTE has directly infringed, and continues to directly infringe one or more claims of the '890 Patent in this judicial district and elsewhere in Texas, including at least claims 1-3, 5-6, 9, 14, 17. 19, 20, 23, 40, 42, 43, 51, 53, 54, and 57 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the ZTE Android IVM smartphones during the pendency of the '890 Patent which devices and associated servers perform instant voice messaging over Wi-Fi and the Internet between persons using cellphones and/or other devices capable of instant voice messaging; wherein the instant messages are temporarily stored if an intended message recipient is unavailable and thereafter delivered once the intend recipient becomes available. Upon information and belief, the additional

Android devices identified in Exhibit E also provide such functionality and, thereby, infringe as set forth in this Count.

52. In addition, should the ZTE Android IVM smartphones be found to not literally infringe the asserted claims of the ’890 Patent, the ZTE Android IVM smartphones would nevertheless infringe the asserted claims of the ’890 Patent. More specifically, the accused ZTE Android IVM smartphones perform substantially the same function (instant voice messaging), in substantially the same way (via a client/server environment), to yield substantially the same result (delivering voice messages to available intended recipients). ZTE would thus be liable for direct infringement under the doctrine of equivalents.

53. ZTE has indirectly infringed and continues to indirectly infringe at least claims 1-3, 5-6, 9, 14, 17. 19, 20, 23, 40, 42, 43, 51, 53, 54, and 57 of the ’890 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the ZTE Android IVM smartphones. ZTE’s customers who purchase the ZTE Android IVM smartphones and operate such devices in accordance with ZTE’s instructions directly infringe one or more of the foregoing claims of the ’890 Patent in violation of 35 U.S.C. § 271. ZTE directly and/or indirectly instructs its customers through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

www.zteusa.com

www.ztedevice.com/support

www.youtube.com

ZTE is thereby liable for infringement of the ’890 Patent under 35 U.S.C. § 271(b).

54. ZTE has indirectly infringed and continues to indirectly infringe at least claims 1-3, 5-6, 9, 14, 17. 19, 20, 23, 40, 42, 43, 51, 53, 54, and 57 of the ’890 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the ZTE Android IVM smartphones, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the ’890 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

55. For example, the ZTE Android IVM smartphones are components of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the ZTE Android IVM smartphones are material parts of the claimed inventions and upon information and belief are not a staple article or commodity of commerce suitable for substantial non-infringing use. ZTE is, therefore, liable for infringement under 35 U.S.C. § 271(c).

56. ZTE will have been on notice of the ’890 Patent since, at the latest, the service of this complaint upon ZTE. By the time of trial, ZTE will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1-3, 5-6, 9, 14, 17. 19, 20, 23, 40, 42, 43, 51, 53, 54, and 57 of the ’890 Patent.

57. ZTE may have infringed the ’890 Patent through other devices utilizing the same or reasonably similar functionality, including other versions of the ZTE Android IVM

smartphones. Uniloc reserves the right to discover and pursue all such additional infringing software/devices.

58. Uniloc has been damaged, reparably and irreparably, by ZTE's infringement of the '890 Patent and such damage will continue unless and until ZTE is enjoined.

COUNT IV
(INFRINGEMENT OF U.S. PATENT NO. 8,199,747)

59. Uniloc incorporates paragraphs 1-58 above by reference.

60. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,199,747 ("the '747 Patent"), entitled SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING that issued on June 12, 2012. A true and correct copy of the '747 Patent is attached as Exhibit D hereto.

61. Uniloc USA is the exclusive licensee of the '747 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

62. ZTE has directly infringed, and continues to directly infringe one or more claims of the '747 Patent in this judicial district and elsewhere in Texas, including at least claims 1 and 13 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the ZTE Android IVM smartphones during the pendency of the '747 Patent which devices and associated servers perform instant voice messaging over Wi-Fi and the Internet between persons using cellphones and/or other devices capable of instant voice messaging; wherein the instant message audio file is generated and one or more files attached thereto and transmitting the files to available recipients and temporarily storing the message if an intended recipient is unavailable and thereafter delivered once the intend recipient becomes

available. Upon information and belief, the additional Android devices identified in Exhibit E also provide such functionality and, thereby, infringe as set forth in this Count.

63. In addition, should the ZTE Android IVM smartphones be found to not literally infringe the asserted claims of the ’747 Patent, the ZTE Android IVM smartphones would nevertheless infringe the asserted claims of the ’747 Patent. More specifically, the accused ZTE Android IVM smartphones perform substantially the same function (instant voice messaging), in substantially the same way (recording and transmitting a message to be audibly played by one or more recipients and temporarily storing messages for a recipient who is unavailable), to yield substantially the same result (delivering voice messages with attached file(s) to available intended recipients). ZTE would thus be liable for direct infringement under the doctrine of equivalents.

64. ZTE has indirectly infringed and continues to indirectly infringe at least claims 1 and 13 of the ’747 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the ZTE Android IVM smartphones. ZTE’s customers who purchase the ZTE Android IVM smartphones and operate such devices in accordance with ZTE’s instructions directly infringe one or more of the foregoing claims of the ’747 Patent in violation of 35 U.S.C. § 271. ZTE directly and/or indirectly instructs its customers through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

www.zteusa.com

www.ztedevice.com/support

www.youtube.com

ZTE is thereby liable for infringement of the ’747 Patent under 35 U.S.C. § 271(b).

65. ZTE has indirectly infringed and continues to indirectly infringe at least claims 1 and 13 of the ’747 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the ZTE Android IVM smartphones, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the ’747 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

66. For example, the ZTE Android IVM smartphones are components of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the ZTE Android IVM smartphones are material parts of the claimed inventions and upon information and belief are not a staple article or commodity of commerce suitable for substantial non-infringing use. ZTE is, therefore, liable for infringement under 35 U.S.C. § 271(c).

67. ZTE will have been on notice of the ’747 Patent since, at the latest, the service of this complaint upon ZTE. By the time of trial, ZTE will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1 and 13 of the ’747 Patent.

68. ZTE may have infringed the ’747 Patent through other devices utilizing the same or reasonably similar functionality, including other versions of the ZTE Android IVM smartphones. Uniloc reserves the right to discover and pursue all such additional infringing software/devices.

69. Uniloc has been damaged, reparably and irreparably, by ZTE's infringement of the '747 Patent and such damage will continue unless and until ZTE is enjoined.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against ZTE as follows:

(A) that ZTE has infringed the '622 Patent, the '433 Patent, the '890 Patent and the '747 Patent;

(B) awarding Uniloc its damages suffered as a result of ZTE's infringement of the '622 Patent, the '433 Patent, the '890 Patent and the '747 Patent pursuant to 35 U.S.C. § 284;

(C) enjoining ZTE, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries and parents, and all others acting in concert or privity with it from infringing '622 Patent, the '433 Patent, the '890 Patent and the '747 Patent pursuant to 35 U.S.C. § 283;

(D) awarding Uniloc its costs, attorneys' fees, expenses and interest, and

(E) granting Uniloc such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38.

Dated: September 6, 2016

Respectfully submitted,

/s/ Craig Tadlock

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ATTORNEYS FOR THE PLAINTIFFS